

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NANCY WAGNER,

Plaintiff,

v.

KING COUNTY et al,

Defendants.

CASE NO. 2:21-cv-00508-TL

ORDER TO SHOW CAUSE

This matter comes before the court on review of the relevant record in this case.

On August 2, 2021, the Court issued a scheduling order setting certain dates in this case, including deadlines for the completion of discovery (April 29, 2022) and a trial date (August 29, 2022). Dkt. No. 13. On December 21, 2021, Plaintiff's then-counsel notified her that she would need to seek new counsel, and her then-counsel filed a motion to withdraw from the case on January 6, 2022. Dkt. No. 18, at 2. On January 28, 2022, the Court granted the motion to withdraw and ordered Plaintiff to notify the Court by February 14 (21 days from the date of the order) whether she intended to proceed with new counsel or *pro se*. Dkt. No. 21. On February 28,

2022, Defendant King County filed a motion to compel Plaintiff's responses to Defendant's discovery requests. Dkt. No. 24, 25. The motion to compel was noted on March 18, 2022.

On March 9, 2022, the Court issued a minute order directing that the parties file a joint status report by March 16. Dkt. No. 26. On March 16, 2022, Defendant King County filed a status report and a supporting declaration, stating in relevant part that Plaintiff has not responded to Defendant's multiple attempts to contact her since her counsel withdrew from representation (including to Defendant's request for a telephone conference to prepare a joint status report), has neither objected nor otherwise responded to Defendant's discovery requests, and has served no request for discovery on Defendant (nor noted any deposition in the case). Dkt. Nos. 27, 28.

To date, Plaintiff has not responded to—or asked for an extension of time to respond to—the January 28 order, the March 9 order, or Defendant's motion to compel, though her time to respond has expired for all three. Based on the statements of Plaintiff's prior counsel and Defendant King County, the Court has not found any sign of engagement by Plaintiff related to this case in at least the past five months. *See, e.g.*, Dkt. No. 28, at 2 (noting no response from Plaintiff on discovery requests served on Plaintiff's former counsel on October 22, 2021¹).

“It is within the inherent power of the court to [on its own] dismiss a case for lack of prosecution”—that is, the failure of the plaintiff to pursue the case she has brought before the court. *Ash v. Cvetkov*, 739 F.2d 493, 496–97 (9th Cir. 1984) (affirming dismissal for failure to prosecute); *see* Fed. R. Civ. P. 41(b) (involuntary dismissal where a plaintiff fails to prosecute); *see also Lovelady v. Las Vegas Metro. Police Dep't*, 649 Fed. App'x 358, 358–59 (9th Cir. 2016) (analyzing factors for the court's consideration in dismissal for failure to prosecute); *Beck v. Pike*, 2017 WL 530354, at *5 (W.D. Wash. Feb. 9, 2017) (noting the same factors).

¹ The declaration states the date as October 22, 2022, which appears to have been a typographical error as the date has not occurred yet.

1 Accordingly, Plaintiff is hereby ORDERED to show cause by **April 25, 2022**, why the
2 Court should not dismiss the case for failure to prosecute. Plaintiff must file a response showing
3 that she remains interested in pursuing her case and is making good faith efforts to abide by her
4 discovery obligations and comply with this Court's orders, or she must at least provide a
5 persuasive explanation of why she has failed to do so. Absent a satisfactory response from
6 Plaintiff by the April 25 deadline, this matter will be dismissed without prejudice.

7 The Clerk is DIRECTED to send a copy of this Order to all counsel of record and to mail a
8 copy of this Order to Plaintiff, who is *pro se*, at: 3033 S 76th St., Tacoma, WA 98409.

9 IT IS SO ORDERED.

10 Dated this 24th day of March 2022.

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12 Tana Lin
13 United States District Judge
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